

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WB MUSIC CORP., a California corporation and
WARNER/CHAPPELL MUSIC, INC., a
Delaware corporation,

Plaintiffs,

v.

THE LEONORE S. GERSHWIN 1987 TRUST, a
California trust; MICHAEL S. STRUNSKY as
trustee; THE ARTHUR GERSHWIN
TESTAMENTARY TRUST, a New York trust; MARC
GERSHWIN as trustee; MARC GERSHWIN
individually; THE FRANCES GERSHWIN
GODOWSKY REVOCABLE TRUST U/A AUGUST
29, 1983, a New York trust; LEOPOLD
GODOWSKY III as trustee; LEOPOLD
GODOWSKY III individually; ALEXIS GERSHWIN;
GEORGIA KEIDAN; and NADIA NATALI,

Defendants.

No. 10 Civ. 2496 (RPP) (MHD)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed Declaration of Lawrence Y. Iser, Esq., dated January 21, 2011, together with the exhibits annexed thereto, including the proposed Amended Answer and Counterclaims, and the accompanying memorandum, Defendant Michael Strunsky, trustee of the Leonore S. Gershwin 1987 Trust (the "Trust") will move this Court at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, before Judge Robert P. Patterson, Jr., on a date to be determined by this Court, for an Order pursuant to Federal Rule of Civil Procedure 15(a), granting the Trust's motion for leave to file its Amended Answer and Counterclaims and for such other and further relief for the Trust as the Court deems just and proper.

DATED: January 21, 2011

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP

By: /s/ Lawrence Y. Iser

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Trustee of the The Leonore S. Gershwin 1987 Trust*